

103^D CONGRESS
1ST SESSION

H. R. 1599

To provide a fair and reasonable national standard for the setting of speed limits.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. ROBERTS introduced the following bill; which was referred to the
Committee on Public Works and Transportation

A BILL

To provide a fair and reasonable national standard for the
setting of speed limits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “The Fair Speed Limit Act
5 of 1993”.

6 **SEC. 2. REFERENCES.**

7 Except as noted otherwise, title and section ref-
8 erences herein are to sections of title 23, United States
9 Code.

1 **SEC. 3. FINDINGS.**

2 The Congress finds that—

3 (1) The national maximum speed limit lacks
4 public support and is hindering the application of
5 engineering based speed zoning practices.

6 (2) Federally sponsored studies have repeatedly
7 proven that the safest and most efficiently enforced
8 speed limits are those based on the “85th Percentile
9 Rule”—a speed limit that reflects and considers
10 legal actions of normally prudent and reasonable
11 drivers.

12 (3) The setting of speed limits below those ac-
13 ceptable to responsible motorists leads to large scale
14 noncompliance, misallocation of enforcement and ju-
15 dicial resources and safety problems caused by er-
16 ratic traffic flow.

17 (4) National speed limit standards that encour-
18 age the use of proven traffic engineering principles
19 will permit the States and their respective local units
20 of government to accommodate their unique travel
21 environments. The result will be greater efficiency,
22 enhanced safety, fairness, economic progress, and
23 better use of enforcement and judicial resources.

24 **SEC. 4. DEFINITIONS.**

25 (a) **SPEED LIMIT.**—The maximum speed permitted
26 on a street or highway.

1 (b) 85 PERCENTILE SPEED.—The speed at or below
2 which 85 percent of free flowing vehicles are traveling.

3 (c) 67 PERCENTILE SPEED.—The speed at or below
4 which 67 percent of free flowing vehicles are traveling.

5 (d) STATE.—The term “State” shall have the mean-
6 ing given it in section 401 of this title.

7 (e) FREE FLOWING TRAFFIC.—Vehicular traffic
8 unencumbered by congestion, inclement weather, construc-
9 tion or maintenance, or law enforcement activity.

10 (f) SECRETARY.—The Secretary of Transportation.

11 **SEC. 5. NATIONAL SPEED LIMIT STANDARDS.**

12 (a) No speed limit shall be set to exceed, to the near-
13 est five mile per hour increment, the 85 percentile speed
14 of free flowing traffic.

15 (b) No speed limit shall be set below, to the nearest
16 five mile per hour increment, the 67 percentile speed of
17 free flowing traffic.

18 **SEC. 6. REPEAL OF NATIONAL MAXIMUM SPEED LIMIT.**

19 (a) Sections 154 and 141(a) of title 23, United States
20 Code, and section 329 of the Department of Transpor-
21 tation and Related Agencies Appropriations Act, 1988
22 (Public Law 100–102), and section 1029 of the Inter-
23 modal Surface Transportation Efficiency Act of 1991
24 (Public Law 102–240) are repealed.

1 **SEC. 7. ESTABLISHMENT OF NATIONAL SPEED LIMIT**
2 **STANDARD.**

3 (a) Each State shall measure a representative sample
4 of free flowing vehicle speeds on distinct classes of streets,
5 roads, and highways. Statutory speed limits for each class
6 of street, road, or highway shall represent the 85 percent-
7 ile speed for that entire class of street, road, or highway.

8 (b) Individual streets, roads, or highways or segments
9 thereof that exhibit traffic speeds significantly different
10 from those specified by statute shall be posted with sepa-
11 rate speed limits that reflect 85 percentile speeds of free
12 flowing traffic.

13 (c) No street, road, or highway shall be posted nor
14 have enforced a speed limit lower than the 67 percentile
15 speed of free flowing traffic.

16 (d) Exceptions to subsection (c) shall include con-
17 struction and school zones.

18 **SEC. 8. ENFORCEMENT.**

19 (a) The Secretary of Transportation shall not ap-
20 prove any project under section 106 of this title in any
21 State which has a maximum speed limit in excess of the
22 85 percentile speed of free flowing traffic, as determined
23 by established traffic engineering practices.

24 (b) With the exceptions noted in section 7(d) of this
25 Act, the Secretary of Transportation shall not approve any
26 project under section 106 of this title in any State which

1 has a maximum speed limit less than the 67 percentile
2 speed of free flowing traffic, as determined by established
3 traffic engineering practices.

4 (c) Each State shall certify to the Secretary before
5 January 1 of each year that it is enforcing all speed limits
6 on public highways in accordance with section 5 of this
7 Act.

8 **SEC. 9. EFFECTIVE DATE.**

9 This Act shall take effect immediately upon enact-
10 ment of this Act.

○